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STAFF REPORT

TO: Mayor and Town Council
FROM: Department of Community Development
SUBJECT: Appeal of BAR Decision on CDA13-11 Vineyard Square
DATE: January 7, 2013

Summary

At its meeting held on November 19, 2013, the Board of Architectural Review (BAR) first considered a Certificate of Design Approval application for a proposed development known as Vineyard Square. At this meeting, the BAR tabled the application until the December meeting to allow the design to be modified in response to points raised by the BAR during its discussion of the application. At the December 18, 2013 meeting, the BAR reviewed new elevations which included minor revisions and asked whether the applicants would be willing to extend the deadline for a decision in order to continue to work with the Board to modify the design. The applicants chose not to grant an extension and requested that the BAR make a final decision. Accordingly, the BAR approved the application subject to six conditions. The applicants have appealed the BAR's decision to Town Council as permitted by Section 54-79 of the Town Code and Article 14A, Section 7 of the Zoning Ordinance. The Town Council is scheduled to hear the appeal at its January 14, 2014 public hearing, which has been duly advertised.

Background

The BAR is authorized to regulate the exterior appearance of buildings and structures within areas zoned for commercial, industrial, and public building use. Within the Town's Historic Corridor Overlay District, the BAR regulates the exterior appearance of buildings and structures as well as the demolition of historic structures. Vineyard Square, a proposed 5-6 story, mixed-use building containing upper-story residences and street-level retail, would be located at the southeast corner of North 21st Street and East O Street (within the HC Overlay District). The 12 existing buildings on the site would be demolished to allow Vineyard Square to be constructed, and approval for demolition of all structures has been granted by either the BAR or Town Council (CDA13-12 through CDA13-22).

Vineyard Square would consist of a single-story of retail commercial space along approximately half of its proposed North 21st Street frontage before rising to 5 stories (at a height of approximately

59.5 feet from 21st Street) as it approaches East O Street. Along the East O Street frontage, the building would maintain the same height of approximately 59.5 feet (as measured from 21st Street) but would add a sixth story due to a change in elevation as the site slopes away from North 21st Street (resulting in a height of approximately 69.5 feet as measured from the base of the east façade at the northeast corner of the building). Along the east façade, the building would revert to 5 stories (at a height of approximately 59 feet from the base of the east façade).

After consideration of the application at two meetings, the BAR asked whether the applicants would be willing to extend the deadline for a decision and continue to work with the Board to modify the design. The applicants chose not to grant an extension and requested that the BAR make a final decision. Chairman Pat Giglio then made the following motion:

I move the BAR approve CDA 13-11 Vineyard Square with the following findings based on the Town's Design Guidelines, Town Code Sec. 54-96 Design Criteria for Architectural Control Overlay Districts, and Zoning Ordinance Article 14A, Section 8 Design Criteria for Historic Corridor Overlay District:

1. The height of the proposed building is significantly taller than the adjoining buildings and the majority of buildings within the historic district and as proposed does not blend with neighboring buildings or streetscape as called for in the *Design Guidelines* (5a, pg.6) or the Zoning Ordinance (Criteria 1 & 2)
2. The proposed design adopts architectural elements and features which are not compatible with the prevailing and recognized historic architectural character of the surrounding area. These elements should be eliminated or modified to provide a design that is more in character with the traditional architectural style of downtown Purcellville in conformance with the *Design Guidelines* (5d(i), pg.7 & C1(b), pg.10) or the Zoning Ordinance (Criteria 1 & 4).

The following conditions shall apply to the proposed design based on the Town's *Design Guidelines*, Town Code Sec. 54-96 Design Criteria for Architectural Control Overlay Districts, and Zoning Ordinance Article 14A, Section 8 Design Criteria for Historic Corridor Overlay District:

Height

1. The tallest portions of the building forming the corner of North 21st Street and O Street shall be no taller than 2-3 stories, measured from the existing grade on 21st Street, to maintain a gradual transition between the proposed building and existing buildings...in conformance with the *Design Guidelines* (5d.iii, pg.7) and the Zoning Ordinance (Criteria 1).
2. The tallest portions of the building comprising the rear (east) elevation shall be no taller than 4 stories as measured from the existing grade on 21st Street to maintain a gradual transition between the proposed building and existing buildings streetscape in conformance with the *Guidelines* (5d.iii, pg.7) and the Zoning Ordinance (Criteria 1). Decreasing the height of the proposed

building will allow the building to better blend with neighboring buildings and complement the existing historic streetscape in conformance with the *Design Guidelines* (5a, pg.6) and the Zoning Ordinance (Criteria 2).

Design

3. The use of classical columns on the 21st Street Elevation to form an arcade and support a pedimented entry, which the applicant has referenced in discussions as a Jeffersonian Expression, is not in keeping with the historic architectural style of Purcellville's Downtown. The applicant shall eliminate the classical columns and provide an alternative design which is compatible with the prevailing and recognized historic architectural character of Purcellville in conformance with the *Design Guidelines* (5b, pg.6 & C1b, pg.10) and Zoning Ordinance Criteria (Criteria 1).
4. The turned baluster railing detail for the roof deck on the 21st Street elevation is not in keeping with the historic architectural styles or the traditional building forms of Purcellville's Downtown (*DG* 5b, pg.6). The applicant shall eliminate the baluster railing and incorporate a parapet wall with stepped cornice to blend with the other buildings in the downtown in conformance with the *Design Guidelines* (C1b, pg.10 & 9a, pg.17) and Zoning Ordinance Criteria (Criteria 1).
5. The Pergola Detail and the Freight Depot expression located on the roof deck on the 21st Street elevation are not in keeping with the historic architectural styles or the traditional building forms of Purcellville's Downtown and should be eliminated in keeping with the *Design Guidelines* (5b, pg.6) and Zoning Ordinance (Criteria 1). These elements are visible from the street and detract from the architecture of the building. The Design Guidelines call for the use of "decorative parapets and meaningful cornice lines" to terminate roof lines (9a, pg.17).
6. The design of the rear elevation, which the applicant has referenced as the Agrarian Expression, introduces exaggerated design elements such as craftsman inspired exposed rafters, stylized barn door shutters, a wall of aluminum and glass windows and a corner element terminating in a silo-like roof which are not in keeping with the traditional architecture of Purcellville's downtown (*DG* 2, pg.10). The applicant shall eliminate the incompatible elements identified above and redesign the rear elevation with architectural features and elements similar to the North 21st and O Street elevations to provide design continuity around the entire building in conformance with the *Design Guidelines* (5b, pg.6) and the Zoning Ordinance (Criteria 4).

The motion carried on a 4-1 vote.

Ordinance Language on Appeals

The Council's consideration of this appeal should comply with the Town's established ordinances.

From the Town Code:

"Sec. 54-80. - Hearing before town council.

- (a) On any appeal of the decision of the board to the town council, the final decision of the board shall be stayed pending the decision of the town council. The council shall conduct a full and impartial public hearing on the matter before rendering any decision. The same procedure and standards shall be applied by the council as are established for the board. The council may affirm, reverse or modify the decision of the board, in whole or in part, or may remand the case to the board. The decision of the council shall be final, subject to the provisions of section 54-81 of this article.

- (b) In determining whether to remand a case to the board, the council shall be guided by these factors: the completeness of the record; the appropriateness of further review by the board of certain points or facts; and any amendments to the application after the decision of the board. In this regard, the town council recognizes that changes to perfect, clarify, improve or adapt an application to citizen or town concerns, are positive and would not necessarily result in a remand. Changes that are substantive, that do not meet one or more of the elements set out in the preceding sentence, or that preclude complete review of the application by the board and citizens at that level, may serve as a basis for remand."

From Article 14A, Section 7 of the Zoning Ordinance:

"In considering an appeal, the town council shall give due consideration to the recommendations of the board of architectural review together with such other evidence as it deems necessary for a proper review of the application."

This language directs Town Council to consider the CDA13-11 application under "the same procedure and standards" as the BAR, such that Council is effectively fulfilling the same role as the BAR for the purposes of this appeal. Furthermore, the original application is to be considered along with the recommendations of the BAR.

Ordinance Language on Design Criteria

The Council's consideration of this design should comply with the Town's established ordinances.

From the Town Code:

"Sec. 54-96. - Design criteria.

The board and, on appeal, the town council shall use the following standards and criteria in considering applications filed under this article:

- (1) Whether or not the proposed architectural design is suitable for Purcellville's historic small town character in terms of external architectural

features, including general design and arrangement, texture, color, line, mass, dimension, material and building/structure lighting.

- (2) Whether or not the proposed structure, building is compatible with existing well-designed structures, acceptable to the board, in the vicinity and in the town as a whole.
- (3) Whether or not, and to what extent, the proposed structure or building would promote the general welfare and protect the public health, safety and morals by tending to maintain or augment the town's tax base as a whole, generating business activity, maintaining and creating employment opportunity, preserving historical sites and structures and making the town a more attractive and desirable place in which to live.
- (4) Whether or not proposed freestanding buildings use the same or architecturally harmonious materials, color, texture and treatment for all exterior walls; and in the case of partially freestanding buildings, whether or not the same or architecturally harmonious materials, color, texture and treatment are used on all portions of all exterior walls exposed to public view.
- (5) Whether or not the combination of architectural elements proposed for a structure, building or improvement, in terms of design, line, massing, scale, proportion, dimension, color, material, texture, and roofline and height conform to accepted architectural principles for permanent buildings as contrasted with engineering standards designed to satisfy safety requirements only; and exhibit external characteristics of demonstrated architecture and aesthetic durability and quality.
- (6) Whether or not, in terms of design, material, texture, color, lighting, dimension, line, massing, scale, proportion, roof line and height, the proposed structure, or building is designed to serve primarily as an advertisement or commercial display, exhibits exterior characteristics likely to deteriorate rapidly, would be of temporary or short-term architectural or aesthetic acceptability, would be plainly offensive to human sensibilities or would otherwise constitute a reasonable foreseeable detriment to the community.”

From Article 14A, Section 8 of the Zoning Ordinance:

“8.1 The board and, on appeal, the town council shall use the following standards and criteria in considering applications other than demolitions filed under this article:

- (1) Whether or not the proposed architectural design is suitable for Purcellville's historic small town character in terms of external architectural features, including signs subject to public view, general design and arrangement, texture, color, line, mass, dimension, material and lighting.

- (2) Whether or not the proposed structure, building or improvement is compatible with existing well-designed structures, acceptable to the board, in the vicinity and in the town as a whole.
- (3) Whether or not, and to what extent, the proposed structure, building or improvement would promote the general welfare and protect the public health, safety and morals by tending to maintain or augment the town's tax base as a whole, generating business activity, maintaining and creating employment opportunity, preserving historical sites and structures and making the town a more attractive and desirable place in which to live.
- (4) Whether or not proposed buildings use the same or architecturally harmonious materials, color, texture and treatment for all exterior walls;
- (5) Whether or not the combination of architectural elements proposed for a structure, building or improvement, in terms of design, line, massing, scale, proportion, dimension, color, material, texture, lighting, landscaping and roofline and height conform to accepted architectural principles for permanent buildings as contrasted with engineering standards designed to satisfy safety requirements only; and exhibit external characteristics of demonstrated architecture and aesthetic durability and quality.
- (6) Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line, massing, scale, proportion, roof line and height, the proposed structure, building or improvement is designed to serve primarily as an advertisement or commercial display, exhibits exterior characteristics likely to deteriorate rapidly, would be of temporary or short-term architectural or aesthetic acceptability, would be plainly offensive to human sensibilities or would otherwise constitute a reasonable foreseeable detriment to the community.

...

8.2. No specific architectural style to be required.

The board of architectural review and the town council on appeal shall not adopt or impose any specific architectural style in the administration of this article.”

The language cited above from the Town Code and Zoning Ordinance is very similar but not identical. In addition to the Town Code and Zoning Ordinance design criteria, the BAR also utilized the standards provided in the *Design Guidelines for the Town of Purcellville, Virginia* (adopted in 2006 pursuant to the ordinance language quoted above) in its consideration of the Vineyard Square application, and the Town Council is now tasked to do the same.

Staff Comments

Staff has thoroughly analyzed the design of Vineyard Square previously, and Council should review the two original BAR staff reports attached at the end of this report for this analysis. In addition, the Council should consider in this appeal the appellants’ Statement of Justification, the BAR’s findings and conditions of approval, and any oral arguments presented by the BAR and appellants.

Overall, the appellants contend that the Board's conditions of approval are (1) "contrary to the Purcellville Zoning Ordinance," (2) "void for vagueness," and (3) "impossible to satisfy."

Attachments

- CDA13-11 Staff Reports (November 15, 2013 & December 13, 2013)
- Appeal Application and Statement of Justification
- CDA13-11 Application Materials (including 5 elevations, 1 site plan, and 7 3D renderings)